

**WILKINSBURG BOROUGH**  
**Council Legislative Session**  
**November 12, 2014**

**CALL TO ORDER**

President McCarthy-Johnson called the meeting to order at approximately 7:00 p.m. in Council Chambers, second floor of the Municipal Building, 605 Ross Avenue, Wilkinsburg, PA 15221.

**ROLL CALL**

The roll was called to establish a quorum. Present were Mr. Lefebvre, Ms. Garrett, Mr. Taiani, Ms. Trice, Ms. Moore, Ms. Grannemann, Mr. Shattuck, Ms. Macklin, and President McCarthy-Johnson. Borough Manager Marla P. Marcinko, and Solicitor Mike Witherel were also present. Mayor John Thompson was absent. A quorum was established.

**PLEDGE OF ALLEGIANCE**

Following the pledge of allegiance, a moment of silence was observed to remember victims of violent crime.

Ms. Macklin informed Council that Mayor Thompson is absent due to work.

**PUBLIC COMMENT**

**Kate Luxemburg – 432 Rebecca Ave.** – Talked about her understanding that Mr. Taiani is interested in the purchase of a lot owned by the Borough that is currently used as a “grazing garden” – a use approved by Council several years ago. She believes that the lot looks nice, and suggested that Mr. Taiani purchase and clean up a nearby vacant lot.

**AGENDA ITEMS**

**1. Adopting Ordinance No. 2931 – Removing a Handicap Parking Space – 2156 Village Drive.**

**Moved:** Mr. Lefebvre

**Second:** Ms. Moore

**All voted in favor of the motion. Motion carried.**

**2. Authorizing the advertisement of Ordinance No. 2932 – Establishing a Handicap Parking Space – 836 Woodworth Street.**

**Moved:** Ms. Macklin

**Second:** Mr. Lefebvre

**All voted in favor of the motion. Motion carried.**

### **3. Approving Council Meeting Minutes of 10/08/14 and 10/15/14.**

**Moved:** Mr. Shattuck

**Second:** Ms. Garrett

Ms. Macklin questioned Council's acceptance of former Patrol Officer White's resignation. Ms. Marcinko clarified there was not a discussion reflected in the minutes of October 8 and 15, and there can't be additions if it didn't happen. Ms. Marcinko stated that the discussion will be documented in this meeting's minutes. President McCarthy-Johnson clarified that the communication was through e-mail correspondence.

Ms. Trice noted that in the October 8, 2014 minutes Council agreed with the Wilkinsburg Historical Society proposal to move the Seven Mile Marker to the Hay Street side of the building. Following that meeting, several Council members looked at the proposed space and they believe there is enough room in front of the building to leave the marker where it is. She asked how to revisit the issue. Vice-President Moore questioned if the WCACDC recommended moving the marker. The recommendation was made by the Historical Society as a more secure location for the stone marker on the Hay Street side of the building. Ms. Macklin requested consensus of Council to re-visit the proposal, and President McCarthy-Johnson suggested the matter be discussed under the topic of Old Business.

**All voted in favor of the motion. Motion carried.**

### **4. Approving October checks issued:**

<b>Regular Disbursements 10/01 – 10/31/14</b>	<b>\$ 1,277,425.64</b>
<b>Payroll Disbursements</b>	<b>254,471.27</b>
<b>Voided Checks</b>	<b><u>(-0- )</u></b>
<b>Total Disbursement</b>	<b>\$ 1,531,896.91</b>

**Moved:** Mr. Lefebvre

**Second:** Ms. Moore

**Yes:** Ms. Moore, Ms. Grannemann, Mr. Shattuck, Mr. Lefebvre, Ms. Garrett, Mr. Taiani,  
President McCarthy-Johnson

**No:** Ms. Trice, Ms. Macklin

**Motion carried 7:2**

### **5. Approving Resolution No. 14-091 – Preliminary adoption of the 2015 Budget and release for public inspection.**

**Moved:** Mr. Lefebvre

**Second:** Ms. Garrett

Ms. Grannemann asked if there will be further discussion time for this. Ms. Marcinko clarified final adoption of the budget is scheduled for December 10, 2014.

Mr. Taiani asked if the tax millage rate is the same as the 2014 rate with the response that there is not an increase for 2015.

Ms. Macklin stated that Council was informed of a significant fund balance shortage for 2015, particularly when compared to prior years. She expressed concern that releasing the budget would cause residents to worry. President McCarthy-Johnson commented that the public should be worried, and stated that there has not been an increase in the Borough tax millage rate for years while the Wilkesburg School District has increased their millage rate. She mentioned this is happening in small boroughs throughout the country. Mr. Lefebvre noted that he and Ms. Macklin have served on Council for about the same number of years, and that there are similar circumstances every year. He further stated that the actual fund balance at the end of the year, due to conservative budgeting, is \$1.1 million which is higher than the \$400,000 2014 year-end balance reflected in the budget. Ms. Marcinko observed that the same concerns were raised last year and reminded Council of a similar discussion; she believes that when audit figures are received back, the fund balance will be approximately \$800,000 which is higher than what is projected and noted that this information is reflected in the minutes and is not new to Council.

**All voted in favor of the motion. Motion carried.**

**6. Authorizing the advertisement of Ordinance No. 2933 – Establishing tax rate for Fiscal Year 2015.**

**Moved:** Mr. Lefebvre

**Second:** Ms. Grannemann

President McCarthy-Johnson asked what would happen if Council decides to increase the tax rate. Ms. Marcinko explained that this request is for authorization to advertise the ordinance. Council could decide not to take action to adopt the ordinance, and authorize advertisement of another ordinance. The solicitor would need to advise whether Council approval must occur before December 31, 2014. Ms. Marcinko suggested that there might be a need for a special meeting and the only financial loss would be for the cost of advertisement.

Ms. Grannemann asked why the dates were wrong with Ms. Marcinko responding that she made a mistake, and it has since been corrected.

**All voted in favor of the motion. Motion carried.**

**7. Approving Resolution No. 14-092 – Preliminary and final approval of reverse Subdivision – 855 Rebecca Avenue.**

**Moved:** Mr. Shattuck

**Second:** Ms. Grannemann

Mr. Shattuck, speaking on behalf of the Planning Commission, noted that the next three action items are part of the next phase of the PHLF Redevelopment Project for rental housing units, and explained that this is a consolidation of multiple lots at different sites. This request is separate from the land development plan that will be reviewed at a separate time. Mr. Taiani asked if

plans are to build an apartment complex and what exactly will be done. Mr. Shattuck responded that the plan is for rehabilitation of the structure. 855 Rebecca Avenue was an eight-unit apartment building acquired through the Vacant Property Recovery Program. Two lots on Cole Street, adjacent to the property, were acquired to add parking space and space for trash bins. 520 Jeanette Street is a single family home, and on part of an adjacent lot is an existing duplex that will remain a duplex. 606 Mulberry Street is a triplex which will be demolished and consolidated with the lot next to it. President McCarthy-Johnson asked if 520 Jeanette Street will be sold with the response from Mr. Shattuck that the property is planned for rental and will be converted to a duplex. Two units – new construction – are planned for the site where there is an existing three-unit structure that will be demolished.

**All voted in favor of the motion. Motion carried.**

**8. Approving Resolution No. 14-093 – Preliminary and final approval of reverse Subdivision – 520 Jeanette Street.**

**Moved:** Mr. Shattuck

**Second:** Mr. Lefebvre

**All voted in favor of the motion. Motion carried.**

**9. Approving Resolution No. 14-094 – Preliminary and final approval of reverse Subdivision – 606 Mulberry Street.**

**Moved:** Kate Grannemann

**Second:** Mr. Lefebvre

**All voted in favor of the motion. Motion carried.**

**10. Approving Resolution No. 14-095 – Rejecting bids – Salt Storage Project.**

**Moved:** Ms. Macklin

**Second:** Ms. Trice

**All voted in favor of the motion. Motion carried.**

**11. Approving Resolution No. 14-096 – Sponsoring a Banner – Wilkinsburg Boys and Girls Club.**

**Moved:** Mr. Shattuck

**Second:** Ms. Grannemann

**All voted in favor of the motion. Motion carried.**

**OLD BUSINESS**

- **Moving the Seven Mile Stone** – Ms. Trice stated that Council should tell Wilkinsburg Historical Society to keep the stone in front of the Municipal Building so that more people will see it as it would be closer to the main entrance, where space is available.

Ms. Trice moved, and Ms. Macklin seconded the motion to refer this back to the Wilkinsburg Historical Society and WCACDC, noting the consensus of Council to keep the marker on the Ross Street side of the Municipal Building.

**Yes:** Ms. Garrett, Ms. Trice, Mr. Shattuck, Ms. Macklin, President McCarthy-Johnson

**No:** Mr. Taiani, Ms. Moore, Ms. Grannemann, Mr. Lefebvre

### **Motion carried 5:4**

Ms. Macklin requested an updated plan for the Eastridge Branch Library for Council to review. Ms. Marcinko respond that Library Director Betsey Swartz indicated the community survey is being summarized. Ms. Macklin asked for a timeline, noting that it has almost a year for the plan to come back to Council. Ms. Macklin also expressed a concern about a house purchased in June on Shelborne Avenue where a large television set and other household items were dumped. The new owners were contacted, but did not appear for two hearings before the District Magisterial Justice. Ms. Marcinko made a note of the situation and informed Ms. Macklin that she will follow-up.

Ms. Trice asked for a progress report on 1405 North Avenue where the roof is collapsing. Ms. Marcinko responded that DPW was instructed to clean up any trash that had been dumped.

### **NEW BUSINESS**

#### **1. Discussion – Request to purchase Borough-owned property.**

Ms. Marcinko explained that the Borough is unable to sell real estate it owns where the value exceeds \$1500 without a competitive bid, and that an appraisal must be conducted at the expense of the interested party. Alternatively, a direct sale can be effectuated through the Municipal Authority. A consensus of Council is needed to move forward. Mr. Taiani provided background information and plans for the property. The requested property abuts two parcels owned by Mr. Taiani. Since the mid-1990s, the parcel has held a large concrete hole, a footer for the planned five-unit structure that was deemed an impermissible use under the zoning ordinance. Mr. Taiani would like to construct a single family dwelling or garage with an apartment above it, and noted for comparison that a nearby parcel purchased recently by Kate Luxemburg was valued at approximately \$1700. Ms. Macklin observed that the Borough sold a property it owned on North Avenue to Councilwoman Ervin's daughter. She commented about the need for Council to engage in due diligence. Ms. Marcinko again explained the process for a sale, and suggested that an appraisal be obtained regardless of which process Council opted for the disposition of the property. Mr. Witherel informed Council of its ability to reject all bids to avoid being tied into the highest bid. Ms. Marcinko noted that the listed assessed value of the subject property on the County website is \$14,100. The consensus of Council is that the Borough should pay for an appraisal.

President McCarthy-Johnson asked that Council have a discussion about Plans Examiners. Ms. Marcinko noted that the State Legislature did not move forward with proposed legislation to require municipalities to offer the use of two or more inspection companies.

Vice-President Moore noted her attendance at a Saturday November 8, 2014 forum on violence in McKeesport, and she extended her thanks to other Council members who were also in attendance. President McCarthy-Johnson announced that State Representative Ed Gainey has talked about hosting a similar forum in Wilkinsburg.

Mr. Shattuck announced a variance request for 501-507 South Avenue, buildings previously owned by Strength, Inc. and currently vacant. A group from Erie has a sales agreement to purchase the property for use as a drug and alcohol rehabilitation facility for up to fifty homeless people. Mr. Shattuck acknowledged that the Planning Commission recognizes the importance of the service, and that the zoning ordinance permits this use at other locations within the Borough. Borough and School District taxes on the property are delinquent.

Ms. Garrett announced that a Ward One Community Conversation will be held Thursday, November 20, 2014 with Code Enforcement Director Dan Friedson hosting the meeting. Topics include strategies for blight and abandoned properties. GTECH will also be present to discuss some of their strategies, as will local residents to talk about their experiences with community gardening.

Ms. Macklin requested an Executive Session. President McCarthy-Johnson asked to postpone an Executive Session until next week to allow time for preparation. Ms. Macklin requested that the agenda include personnel, contracts and legal fees.

Ms. Grannemann asked for information about the next East Busway Revitalization Project Meeting. Mr. Shattuck responded that the next meeting will be held November 13, 2014 at 1:30 p.m. in Council Chambers.

Ms. Trice inquired about the number of School Crossing Guards. Ms. Marcinko answered she is not sure of the number of School Crossing Guards hired in the recent recruitment effort.

President McCarthy-Johnson announced that she will be organizing the Wilkinsburg Toy Drive again this year, with information available next week.

Ms. Macklin asked about the Emergency Management Service Agreement with the City of Pittsburgh; Ms. Marcinko responded that she has received a proposed agreement. A separate intergovernmental cooperation agreement is needed with the City of Pittsburgh for the service to be provided. The agreement will not include a school education program.

President McCarthy-Johnson noted her attendance at a distribution of coats to kindergarten students at Kelly and Turner Elementary Schools, sponsored by Pittsburgh Firefighters, Local 1.

## **PUBLIC COMMENT**

**Kate Luxemburg 432 Rebecca Ave.** – Asked about warming centers and was told that Pittsburgh will coordinate those services for Wilkinsburg. Ms. Luxemburg also talked about the challenge of removing the concrete foundation at 432 Rebecca Avenue. Ms. Luxemburg asked a question about the agreement with MBM Collections related to collection of fees and costs due to its predecessor. Ms. Marcinko explained that the agreement with MBM Collections, LLC is to collect fees and costs due to Portnoff Law Associates and remit same directly to them. There is some question about whether Portnoff appropriately charged legal fees for their first letter to property owners; Mr. Witherel is working on the issue with Portnoff.

## **ADJOURNMENT**

Being no further business, President McCarthy-Johnson adjourned the meeting at approximately 8:10 p.m.

---

Vanessa McCarthy-Johnson  
President Council